

NEW YORK STATE SUPREME COURT  
ERIE COUNTY

-----X Index No.: \_\_\_\_\_

WILLIAM ANTHONY WACHOWIAK SR.,

Date Filed: November 6, 2019

Plaintiff,

**SUMMONS**

-against-

DIOCESE OF BUFFALO and CORPUS CHRISTI  
CHURCH AND SCHOOL,

Plaintiff designates Erie County  
as the place of trial.

Defendants.

-----X The basis of venue is one  
defendant's residence.

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: November 6, 2019

Respectfully Yours,

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NEW YORK STATE SUPREME COURT  
ERIE COUNTY

-----X  
WILLIAM ANTHONY WACHOWIAK SR.,

Plaintiff,

-against-

DIOCESE OF BUFFALO and CORPUS CHRISTI  
CHURCH AND SCHOOL,

Defendants.  
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Index No.: \_\_\_\_\_/\_\_\_\_

**COMPLAINT**

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

Plaintiff William Anthony Wachowiak Sr., by and through his attorneys, the Marsh Law Firm PLLC and Pfau Cochran Vertetis Amala PLLC, respectfully alleges for his complaint the following:

**I. INTRODUCTION**

1. The Diocese of Buffalo (the “Diocese”) knew for decades that its priests, clergy, teachers, school administrators, employees, and volunteers were using their positions within the Diocese to groom and to sexually abuse children. Despite that knowledge, the Diocese failed to take reasonable steps to protect children from being sexually abused and actively concealed the abuse.

2. Since 2018, following decades of denial and cover-up, the Diocese of Buffalo began releasing the names of priests who were accused of sexually abusing children. While the Diocese of Buffalo has listed at least 80 priests with substantiated claims of sexual abuse of a minor, it has been reported that there are well over a 100 clergy in the Diocese of Buffalo who have faced allegations of sexually abusing a child. Based on the Diocese’s wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved

protection. The result is not surprising: for decades hundreds, if not thousands, of children were sexually abused by Catholic clergy and others who served the Diocese. The plaintiff in this lawsuit is one of many children who was sexually abused because of the Diocese's wrongful conduct.

## **II. PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

3. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, plaintiff's claims were time-barred the day he turned 22 years old. The enactment of the CVA allows victims and survivors of childhood sexual abuse, for the first time in their lives, to pursue restorative justice in New York State.

## **III. PARTIES**

4. Plaintiff William Anthony Wachowiak Sr. is an adult male who currently resides in Kenmore, New York.

5. Upon information and belief, the Diocese is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

6. Upon information and belief, at all relevant times the Diocese conducted business as the "Diocese of Buffalo" and/or "Buffalo Diocese."

7. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served various Catholic institutions and families, including plaintiff William Anthony Wachowiak Sr. and his family.

8. Upon information and belief, Sister Julia/Julieta ("Sister Julia/Julieta") was a nun school administrator, and/or teacher employed by the Diocese to serve Catholic families, including plaintiff William Anthony Wachowiak Sr. and his family. During the time Sister Julia/Julieta was

employed by the Diocese, she used her position as a nun, school administrator, and/or teacher to groom and to sexually abuse plaintiff William Anthony Wachowiak Sr.

9. To the extent that the Diocese was a different entity, corporation, or organization during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse plaintiff William Anthony Wachowiak Sr., such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

10. To the extent the Diocese is a successor to a different entity, corporation, or organization which existed during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse plaintiff William Anthony Wachowiak Sr., such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

11. All such Diocese-related entities, corporations, or organizations are collectively referred to herein as the “Diocese.”

12. Upon information and belief, at all relevant times defendant Corpus Christi Church and School (“Corpus Christi”) was a not-for-profit religious corporation organized under New York law and wholly owned, operated, and controlled by the Diocese.

13. Upon information and belief, Corpus Christi is currently a not-for-profit religious corporation organized under New York law with its principal office in Buffalo, New York.

14. Upon information and belief, at all relevant times Corpus Christi conducted business as “Corpus Christi,” “Corpus Christi Church,” “Corpus Christi School,” or “Corpus Christi Church and School.”

15. Corpus Christi is a parish with a church and school located in Buffalo, New York.

16. Upon information and belief, Sister Julia/Julieta was a nun, school administrator, and/or teacher employed by Corpus Christi to serve Catholic families in its geographic jurisdiction, including plaintiff William Anthony Wachowiak Sr. and his family. During the time Sister Julia/Julieta was employed by Corpus Christi, she used her position as a nun, school administrator, and/or teacher to groom and to sexually abuse plaintiff William Anthony Wachowiak Sr.

17. To the extent that Corpus Christi was a different entity, corporation, or organization during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse William, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

18. To the extent Corpus Christi is a successor to a different entity, corporation, or organization which existed during the period of time during which Sister Julia/Julieta used her position as a nun, school administrator, and/or teacher to sexually abuse William, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit.

19. All such Corpus Christi-related entities, corporations, or organizations are collectively referred to herein as “Corpus Christi.”

#### **IV. VENUE**

20. Venue is proper because the Diocese is a domestic corporation authorized to transact business in New York with its principal office located in Erie County.

21. Venue is proper because Corpus Christi is a domestic corporation authorized to transact business in New York with its principal office located in Buffalo, New York.

22. Venue is proper because Erie is the county in which a substantial part of the events or omissions giving rise to plaintiff’s claim occurred.

23. Venue is proper because plaintiff William Anthony Wachowiak Sr. currently resides in Kenmore, New York.

**V. STATEMENT OF FACTS AS TO PLAINTIFF WILLIAM ANTHONY WACHOWIAK SR.**

24. Upon information and belief, at all relevant times the Diocese was the owner of Corpus Christi and held itself out to the public as the owner of Corpus Christi.

25. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Corpus Christi.

26. Upon information and belief, at all relevant times the Diocese employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families at Corpus Christi, including plaintiff William Anthony Wachowiak Sr. and his family.

27. Upon information and belief, at all relevant times the Diocese, its agents, servants, and employees managed, maintained, operated, and controlled Corpus Christi, and held out to the public its agents, servants, and employees as those who managed, maintained, operated, and controlled Corpus Christi.

28. Upon information and belief, at all relevant times the Diocese was responsible for the hiring and staffing, and did the hiring and staffing, at Corpus Christi.

29. Upon information and belief, at all relevant times the Diocese was responsible for and did the recruitment and staffing of volunteers at Corpus Christi.

30. Upon information and belief, at all relevant times the Diocese materially benefited from the operation of Corpus Christi, including the services of Sister Julia/Julieta and the services of those who managed and supervised Sister Julia/Julieta.

31. Upon information and belief, at all relevant times Corpus Christi owned a parish, church, convent, and school.

32. Upon information and belief, at all relevant times Corpus Christi held itself out to the public as the owner of Corpus Christi.

33. Upon information and belief, at all relevant times Corpus Christi employed priests, school administrators, teachers, religious sisters, and/or others who served Catholic families, including plaintiff William Anthony Wachowiak Sr. and his family.

34. Upon information and belief, at all relevant times Corpus Christi, its agents, servants, and employees managed, maintained, operated, and controlled Corpus Christi, and held out to the public its agents, servants and employees as those who managed, maintained, operated, and controlled Corpus Christi.

35. Upon information and belief, at all relevant times Corpus Christi was responsible for and did the staffing and hiring at Corpus Christi.

36. Upon information and belief, at all relevant times Corpus Christi was responsible for and did the recruitment and staffing of volunteers at Corpus Christi.

37. Upon information and belief, at all relevant times Corpus Christi materially benefitted from the operation of Corpus Christi, including the services of Sister Julia/Julieta and the services of those who managed and supervised Sister Julia/Julieta.

38. Upon information and belief, at all relevant times Sister Julia/Julieta was a nun, school administrator, and/or teacher of the Diocese.

39. Upon information and belief, at all relevant times Sister Julia/Julieta was on the staff of, acted as an agent of, and served as an employee of the Diocese.

40. Upon information and belief, at all relevant times Sister Julia/Julieta was acting in the course and scope of her employment with the Diocese.



41. Upon information and belief, at all relevant times Sister Julia/Julieta was employed by the Diocese and assigned to Corpus Christi.

42. Upon information and belief, at all relevant times Sister Julia/Julieta was a nun, school administrator, and/or teacher of Corpus Christi.

43. Upon information and belief, at all relevant times Sister Julia/Julieta was on the staff of, was an agent of, and served as an employee of Corpus Christi.

44. Upon information and belief, at all relevant times Sister Julia/Julieta was acting in the course and scope of her employment with Corpus Christi.

45. Upon information and belief, at all relevant times Sister Julia/Julieta had an office on the premises of Corpus Christi.

46. When plaintiff William Anthony Wachowiak Sr. was a minor, he and his parents were members of the Diocese and Corpus Christi, including when plaintiff William was a student.

47. At all relevant times, the Diocese and Corpus Christi, their agents, servants, and employees, held Sister Julia/Julieta out to the public, to William, and to his parents, as their agent and employee.

48. At all relevant times, the Diocese and Corpus Christi, their agents, servants, and employees, held Sister Julia/Julieta out to the public, to William, and to his parents, as having been vetted, screened, and approved by those defendants.

49. At all relevant times, William and his parents reasonably relied upon the acts and representations of the Diocese and Corpus Christi, their agents, servants, and employees, and reasonably believed that Sister Julia/Julieta was an agent or employee of those defendants who was vetted, screened, and approved by those defendants.

50. At all relevant times, William and his parents trusted Sister Julia/Julieta because the Diocese and Corpus Christi held her out as someone who was safe and could be trusted with the supervision, care, custody, and control of William.

51. At all relevant times, William and his parents believed that the Diocese and Corpus Christi would exercise such care as would a parent of ordinary prudence in comparable circumstances when those defendants assumed supervision, care, custody, and control of William.

52. When William was a minor, Sister Julia/Julieta sexually abused him.

53. William was sexually abused by Sister Julia/Julieta when William was approximately 9 to 10 years old.

54. Based on the representations of the Diocese and Corpus Christi that Sister Julia/Julieta was safe and trustworthy, William and his parents allowed William to be under the supervision of, and in the care, custody, and control of, the Diocese and Corpus Christi, including during the times when William was sexually abused by Sister Julia/Julieta.

55. Based on the representations of the Diocese and Corpus Christi that Sister Julia/Julieta was safe and trustworthy, William and his parents allowed William to be under the supervision of, and in the care, custody, and control of, Sister Julia/Julieta, including during the times when William was sexually abused by Sister Julia/Julieta.

56. Neither William nor his parents would have allowed him to be under the supervision of, or in the care, custody, or control of, the Diocese, Corpus Christi, or Sister Julia/Julieta if the Diocese or Corpus Christi had disclosed to William or his parents that Sister Julia/Julieta was not safe and was not trustworthy, and that she in fact posed a danger to William in that Sister Julia/Julieta was likely to sexually abuse William.

57. No parent of ordinary prudence in comparable circumstances would have allowed William to be under the supervision of, or in the care, custody, or control of, the Diocese, Corpus Christi, or Sister Julia/Julieta if the Diocese or Corpus Christi had disclosed to William or his parents that Sister Julia/Julieta was not safe and was not trustworthy, and that she in fact posed a danger to William in that Sister Julia/Julieta was likely to sexually abuse him.

58. From approximately 1956 through 1957, Sister Julia/Julieta exploited the trust and authority vested in her by defendants by grooming William to gain his trust and to obtain control over him as part of Sister Julia/Julieta's plan to sexually molest and abuse William and other children.

59. Sister Julia/Julieta used her position of trust and authority as a nun, school administrator, and/or teacher of the Diocese and of Corpus Christi to groom William and to sexually abuse him multiple times, including when William was under the supervision of, and in the care, custody, or control of, the Diocese, Corpus Christi, and Sister Julia/Julieta.

60. At certain times, the sexual abuse of William by Sister Julia/Julieta occurred at Corpus Christi, including in the school and in the convent.

61. At certain times, Sister Julia/Julieta's sexual abuse of William occurred during activities that were sponsored by, or were a direct result of activities sponsored by, the Diocese and Corpus Christi, including during school activities.

62. Upon information and belief, prior to the times mentioned herein, Sister Julia/Julieta was a known sexual abuser of children.

63. Upon information and belief, at all relevant times, defendants, their agents, servants, and employees, knew or should have known that Sister Julia/Julieta was a known sexual abuser of children.

64. Upon information and belief, at all relevant times, it was reasonably foreseeable to defendants, their agents, servants, and employees that Sister Julia/Julieta's sexual abuse of children would likely result in injury to others, including the sexual abuse of William and other children by Sister Julia/Julieta.

65. Upon information and belief, at certain times between 1956 and 1957, defendants, their agents, servants, and employees knew or should have known that Sister Julia/Julieta was sexually abusing William and other children at Corpus Christi and elsewhere.

66. Upon information and belief, defendants, their agents, servants, and employees knew or should have known that the sexual abuse by Sister Julia/Julieta of William was ongoing.

67. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew or should have known that Sister Julia/Julieta was likely to abuse children, including William, because plaintiff William's father complained about Sister Julia/Julieta to the defendants.

68. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew or should have known before and during Sister Julia/Julieta's sexual abuse of William that priests, school administrators, teachers, religious sisters, and/or other persons serving the Diocese and Corpus Christi had used their positions with those defendants to groom and to sexually abuse children.

69. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew or should have known before and during Sister Julia/Julieta's sexual abuse of William that such priests, school administrators, teachers, religious sisters, and/or other persons could not be "cured" through treatment or counseling.

70. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, concealed the sexual abuse of children by Sister Julia/Julieta in order to conceal their own bad acts in failing to protect children from her, to protect their reputation, and to prevent victims of such sexual abuse by her from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that Sister Julia/Julieta would continue to molest children.

71. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, consciously and recklessly disregarded their knowledge that Sister Julia/Julieta would use her position with the defendants to sexually abuse children, including William.

72. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, disregarded their knowledge that Sister Julia/Julieta would use her position with them to sexually abuse children, including William.

73. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, acted in concert with each other or with Sister Julia/Julieta to conceal the danger that Sister Julia/Julieta posed to children, including William, so that Sister Julia/Julieta could continue serving them despite their knowledge of that danger.

74. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, knew that their negligent, reckless, and outrageous conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including William, and he did in fact suffer severe emotional and psychological distress and personal physical injury as a result of their wrongful conduct.

75. Upon information and belief, the Diocese and Corpus Christi, their agents, servants, and employees, concealed the sexual abuse of children by priests, school administrators, teachers,

religious sisters, and/or others in order to conceal their own bad acts in failing to protect children from being abused, to protect their reputation, and to prevent victims of such sexual abuse from coming forward during the extremely limited statute of limitations prior to the enactment of the CVA, despite knowing that those priests, school administrators, teachers, religious sisters, and/or other persons would continue to molest children.

76. By reason of the wrongful acts of the Diocese and Corpus Christi as detailed herein, William sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and William has and/or will become obligated to expend sums of money for treatment.

**VI. CAUSES OF ACTION AS TO PLAINTIFF WILLIAM ANTHONY WACHOWIAK SR.**

**A. FIRST CAUSE OF ACTION – NEGLIGENCE**

77. Plaintiff William Anthony Wachowiak Sr. repeats and re-alleges all of his allegations above and below.

78. The Diocese and Corpus Christi had a duty to take reasonable steps to protect plaintiff William Anthony Wachowiak Sr., a child, from foreseeable harm when he was under their supervision and in their care, custody, and control.

79. The Diocese and Corpus Christi also had a duty to take reasonable steps to prevent Sister Julia/Julieta from using the tasks, premises, and instrumentalities of her position with the defendants to target, groom, and sexually abuse children, including William.

80. The Diocese and Corpus Christi were supervising William, and had care, custody, and control of William, when he was a student and at other times, during which time those defendants had a duty to take reasonable steps to protect him.

81. These circumstances created a special relationship between the Diocese and William, and between Corpus Christi and William, which imposed on each of those defendants a duty to exercise the degree of care of a parent of ordinary prudence in comparable circumstances.

82. The Diocese and Corpus Christi breached each of the foregoing duties by failing to exercise reasonable care to prevent Sister Julia/Julieta from harming William, including sexually abusing him.

83. In breaching their duties, including hiring, retaining, and failing to supervise Sister Julia/Julieta, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn William, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for William and other children who were under their supervision and in their care, custody, and control, the Diocese and Corpus Christi created a risk that William would be sexually abused by Sister Julia/Julieta. The Diocese and Corpus Christi through their actions and inactions created an environment that placed William in danger of unreasonable risks of harm under the circumstances.

84. In breaching their duties, including hiring, retaining, and failing to supervise Sister Julia/Julieta, giving her access to children, entrusting their tasks, premises, and instrumentalities to her, failing to train their personnel in the signs of sexual predation and to protect children from sexual abuse and other harm, failing to warn William, his parents, and other parents of the danger of sexual abuse, and failing to create a safe and secure environment for William and other children

who were under their supervision and in their care, custody, and control, the Diocese and Corpus Christi acted willfully and with conscious disregard for the need to protect William. The Diocese and Corpus Christi through their actions and inactions created an environment that placed William in danger of unreasonable risks of harm under the circumstances.

85. It was reasonably foreseeable that defendants' breach of these duties of care would result in the sexual abuse of William.

86. As a direct and proximate result of the acts and omissions of the Diocese and Corpus Christi, Sister Julia/Julieta groomed and sexually abused William, which has caused William to suffer general and special damages as more fully described herein.

**B. SECOND CAUSE OF ACTION – OUTRAGE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

87. Plaintiff William Anthony Wachowiak Sr. repeats and re-alleges all of his allegations above and below.

88. The Diocese and Corpus Christi engaged in reckless, extreme, and outrageous conduct by providing Sister Julia/Julieta with access to children, including plaintiff William Anthony Wachowiak Sr., despite knowing that she would likely use her position to groom and to sexually abuse them, including William. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

89. As a result of this reckless, extreme, and outrageous conduct, Sister Julia/Julieta gained access to William and sexually abused him.

90. The Diocese and Corpus Christi knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical



injury, on others, and William did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

**VII. CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

91. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

**VIII. PRAYER FOR RELIEF**

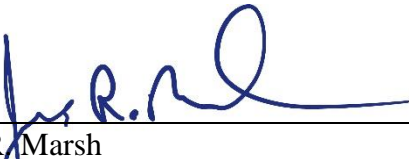
92. Plaintiff William Anthony Wachowiak Sr. demands judgment against the defendants named in his causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to his causes of action, and such other and further relief as the Court deems just and proper.

93. Plaintiff William Anthony Wachowiak Sr. specifically reserves the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: November 6, 2019

Respectfully Yours,

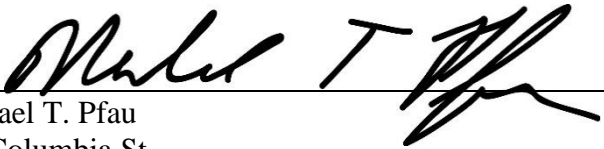
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